

ENTERED

May 17, 2023

Nathan Ochsner, Clerk

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

PAMELA SHARPE, INDIVIDUALLY AND AS ADMINISTRATOR OF THE ESTATE OF MITCHELL DUDLEY, DECEASED, <i>Plaintiff</i>	§ § § § § § § §
V.	§ § § § § § § §
LYFT, INC. AND FLEXDRIVE SERVICES, LLC, <i>Defendants</i>	§ § § § § § § §

CIVIL ACTION NO. 4:22cv4336

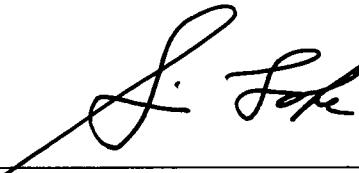
**ORDER ADOPTING MAGISTRATE JUDGE'S
MEMORANDUM AND RECOMMENDATION**

Having reviewed the Magistrate Judge's Memorandum and Recommendation dated May 1, 2023, (Dkt. 17) and no party having filed objections thereto, the court is of the opinion that said Memorandum and Recommendation should be adopted by this court.

It is, therefore, **ORDERED** that the Magistrate Judge's Memorandum and Recommendation is hereby **ADOPTED** by this court.

It is further **ORDERED** that Defendant Lyft Inc's Rule 12(b)(6) Motion to Dismiss (Dkt. 10) and Defendant Flexdrive Services, LLC's Rule 12(b)(6) Motion to Dismiss (Dkt. 16) are **GRANTED** and Plaintiff's DTPA claims asserted in any capacity and fraud claim asserted in her individual capacity are **DISMISSED WITH PREJUDICE**. Plaintiff's fraud claim asserted in her capacity as administrator of Dudley's estate remains pending.

SIGNED at Houston, Texas this 17th day of May, 2023.



SIM LAKE
SENIOR UNITED STATES DISTRICT JUDGE